

SUPERIOR COURT - STATE OF CALIFORNIA
COUNTY OF RIVERSIDE



Information sheet Re: Petition and Order for Expungement Pursuant to 1203.4/1203.4a PC

Facts about a Petition for Expungement:

1. A 1203.4/1203.4a allows a person to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he or she has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty.
2. The granting of your request by the court does not eliminate from your record the fact that an arrest occurred or that the charges were brought, only that a conviction occurred.
3. The granting of your request does not relieve you of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contact with the California State Lottery.
4. The conviction still may be alleged as a prior conviction in future criminal proceedings and may be considered by the Department of Motor Vehicles for purposes of suspending or otherwise restricting your driving privilege.
5. The granting of your request does not relieve you of any prohibition on the ownership or possession of firearms resulting from the conviction (Penal Code Section 12021).
6. The granting of your petition is subject to the approval of the District Attorney.

You qualify for a Petition for Expungement for 1203.4 PC or 1203.4a PC if you meet the following criteria:

Petition for Expungement pursuant to 1203.4 PC

- ✓ You were convicted of a Misdemeanor or Felony.
- ✓ Probation was granted on this case.
- ✓ You have fully complied with the conditions of probation for the entire term or you were discharged prior to the termination of probation.
- ✓ You are not serving a sentence for any offense.
- ✓ You are not on probation for any other offense.
- ✓ You are not currently charged with another offense.
- ✓ All court ordered restitution or fines have been paid.

Petition for Expungement pursuant to 1203.4a PC

- ✓ You have been convicted of a Misdemeanor.
- ✓ One year has elapsed since the date of pronouncement of judgment.
- ✓ You were sentenced on this case and probation **was not** granted.
- ✓ You have fully complied with and performed the sentence for any offense.
- ✓ You are not on probation for any other offense.
- ✓ You are not currently charged with another offense.
- ✓ All court ordered restitution or fines have been paid.

What Offenses Prohibit someone from filing the Petition?

- Any Infraction.
- Misdemeanor Violations of 42001 (b) VC.
- Violations listed under 12021.1 PC (Concealable Firearms, prior convictions of certain violent offenses).
- Any felony conviction pursuant to subdivision (d) of Section 261.5 PC.
- Violations of subdivision (c) of section 286, 299, subdivision (c) of section 299a section 299.5 or subdivision (j) of section (n) 290 PC.

What is required for filing the Petition and order for Expungement?

- Filing Fee of \$60.00 per case. All petitioners may submit a Request for Application and Order for Waiver of Court Fees and Costs which is subject to eligibility and approval.
- Petition and Order for Expungement – (Judicial Council Form # CR-180)